

ROOSEVELT JOHNSON,)	No. C 07-02610 JF (PR)
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	CERTIFICATE OF APPEALABILITY
vs.)	
)	
B. CURRY, Warden,)	
)	
Respondent.)	
)	(Docket No. 25)

A petitioner may not appeal a final order in a federal habeas corpus proceeding, including those challenging an administrative decision such as the denial of parole, without first obtaining a certificate of appealability (formerly known as a certificate of probable cause to appeal). See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); see Hayward

1 v. Marshall, No. 06- 55392, 2010 WL 1664977, at *5 (9th Cir. Apr. 22, 2010) (en banc)
2 (overruling those portions of White v. Lambert, 370 F.3d 1002, 1004 (9th Cir. 2004), and
3 Rosas v. Nielsen, 428 F.3d 1229, 1231-32 (9th Cir. 2005) (per curiam), that relieved a
4 prisoner from obtaining a certificate of appealability to review the denial of a habeas
5 petition challenging an administrative decision denying parole). A judge shall grant a
6 certificate of appealability “only if the applicant has made a substantial showing of the
7 denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The certificate must indicate
8 which issues satisfy this standard. See id. § 2253(c)(3).

9 “Where a district court has rejected the constitutional claims on the merits, the
10 showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate
11 that reasonable jurists would find the district court’s assessment of the constitutional
12 claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court
13 denied the instant habeas petition after careful consideration of the merits. The Court
14 found no violation of Petitioner’s federal constitutional rights in the administrative
15 decision denying parole. Petitioner has failed to demonstrate that jurists of reason would
16 find it debatable whether this Court was correct in its ruling. Accordingly, Petitioner’s
17 request for a certificate of appealability is DENIED. (Docket No. 25.)

18 The Clerk shall forward this order, along with the case file, to the United States
19 Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a certificate
20 of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

21 This order terminates Docket No. 25.

22 IT IS SO ORDERED.

23 DATED: 5/7/10

24 
JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROOSEVELT JOHNSON,
Petitioner,

Case Number: CV07-02610 JF

CERTIFICATE OF SERVICE

v.

B. CURRY, Warden,

Respondent.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 5/27/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roosevelt Johnson D-63610
Chuckwalla Valley State Prison
P.O. Box 2349
D-10-258-J
Blythe, CA 92226

Dated: 5/27/10

Richard W. Wieking, Clerk